



JC06 Rec'd PCT/PTO 18 JUL 2005

Attorney Docket No. 12504.355

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent Application No. 09/582,950

Invention: Synthesis of Combretastatin A-4  
Prodrugs and Trans-Isomers Thereof

Inventors: Pettit et al.

Filing Date: July 7, 2000

Confirmation No.: 4557

Examiner: Zucker, Paul A.

Art Unit: 1625

*I hereby certify that this paper and all documents and any fee referred to herein are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.*

*On July 14, 2005*

*Amy J. Ho*  
Amy J. Ho, Legal Assistant

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
JUL 18 2005  
Legal Staff  
International Division

**PETITION REGARDING SMALL ENTITY STATUS**

Sir:

The applicant for the above-referenced patent application has claimed that it is entitled to claim small entity status and has been paying small entity fees for the duration of the prosecution of the application. Recently, however, the applicant's licensee, who also qualifies for small entity status, informed the undersigned attorney that during the period beginning on December 15, 1999 and ending approximately October 2001, the licensee had sublicensed rights relating to this application to a sublicensee that would not qualify as a small entity.

Therefore, pursuant to 37 C.F.R. §1.28 applicant herein submits an itemization of deficiency of fee payments between December 15, 1999 and October 2001, along with payment of the deficient fees. Below is a breakdown showing the discrepancy:

PETITION REGARDING SMALL ENTITY STATUS  
U.S. Serial No. 09/582,950

Date	Type of fee paid	Amount of fee paid	Current fee amount for a non-small entity	Difference owed
7/7/00	U.S. National Stage entry	\$48.00	\$300.00	\$252.00
10/15/01	Additional independent claim in amendment	\$42.00	\$200.00	\$158.00
10/15/01	2-month extension of time	\$200.00	\$450.00	\$250.00
<b>TOTAL OWED:</b>				<b>\$660.00</b>

Submitted herewith is a check in the amount of \$660.00. It is believed that this covers the additional payments for the period that large entity payments should have been made. However, if this fee payment is found to be deficient, or if any other fees are required to prevent abandonment of this application, then the Commissioner is hereby authorized to deduct any such required fee(s) from Deposit Account No. 060590. A copy of this paper is enclosed

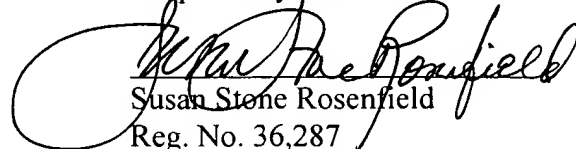
Applicant asserts that as of November 1, 2001, it has been and still is entitled to claim small entity status. A verified statement claiming small entity status as of November 2001 is submitted herewith.

Dated: July 14, 2005

07/20/2005 GFREY1 00000149 060590 09582950

01 FC:1631		300.00	OP
02 FC:1614		200.00	OP
03 FC:1252	42.00 DA	408.00	OP

Respectfully submitted,



Susan Stone Rosenfield

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: PETTIT et al.

Confirmation No.: 4557

Application No.: 09/582,950

Group Art Unit: 1621

Filing Date: July 7, 2000

Examiner: Zucker, Paul A.

For: SYNTHESIS OF COMBRETASTATIN A-4  
PRODRUGS AND TRANS-ISOMERS THEREOF

Attorney Docket No.: 12504.355

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.27(a)(3) - Nonprofit Organization]

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: ARIZONA BOARD OF REGENTS, a body corporate of the State of Arizona, acting for and on behalf of ARIZONA STATE UNIVERSITY

Address of Organization: Brickyard Suite 601, Room 691AA  
699 S. Mill Avenue  
Tempe, Arizona 85281

Type of Organization:

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of the United States of America  
 (Name of State: \_\_\_\_\_)  
 (Citation of statute: \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.  
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America.  
 (Name of State: \_\_\_\_\_)  
 (Citation of statute: \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled SYNTHESIS OF COMBRETASTATIN A-4 PRODRUGS AND TRANS-ISOMERS THEREOF by George R. PETTIT and Monte R. RHODES described in

☐ the specification filed herewith

☒ application no. 09/582,950 filed July 7, 2000  
☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

I hereby declare that as of November 1, 2001, we resumed small entity status.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27(g)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

FENNEMORE CRAIG, P.C.  
Customer No. 27887

Direct Telephone calls to:  
Susan Stone Rosenfield  
602.916.5000

Name of Person Signing: \_\_\_\_\_

Dr. Paul Johnson

Title of Signer: \_\_\_\_\_

Associate Vice President for Research

Address of Signer: \_\_\_\_\_

Brickyard Suite 601, Room 691AA

699 S. Mill Avenue

Tempe, Arizona 85281

Signature: \_\_\_\_\_

Date: July 14, 2005

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where applicable. Further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

04/14/2005

Fennemore Craig  
 3003 N. Central Avenue  
 Suite 2600  
 Phoenix, AZ 85012

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Amy J. Ho	(Depositor's name)
<i>Amy J. Ho</i>	(Signature)
July 14, 2005	(Date)

07/19/2005 WASFAW2 00000083 09582950

01 FC:2501

700.00 0P

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,950	07/07/2000	George R. Pettit	5368-US	4557

TITLE OF INVENTION: SYNTHESIS OF COMBRETASTATIN A-4 PRODRUGS AND TRANS-ISOMERS THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	07/14/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
ZUCKER, PAUL A	1621	514-075000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

FENNEMORE

CRAIG, P.C.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Arizona Board of Regents  
 acting for and on behalf of  
 Arizona State University

Tempe, Arizona

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☐ Publication Fee (No small entity discount permitted)☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 06-0590 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Susan Stone Rosenfield

Date

July 14, 2005

Typed or printed name

Registration No.

36,287

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.